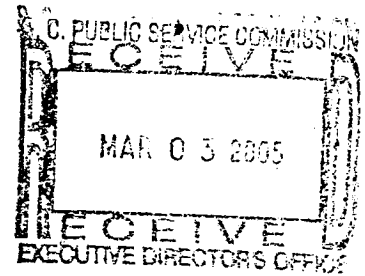


# ELLIS:LAWHORNE

Carol Roof  
Direct dial: 803/779-0066  
[croof@ellislawhorne.com](mailto:croof@ellislawhorne.com)

March 1, 2005

The Honorable Charles L.A. Terreni  
Executive Director  
**SC Public Service Commission**  
P.O. Drawer 11649  
Columbia, SC 29211



RE: Application of Lake Wylie Community Utilities, Inc. for Adjustment  
In Rates and Charges for Water and Sewer Services  
*Docket No. 2004-353-W/S, Our File No. 751-10186*

Dear Mr. Terreni:

Enclosed for filing are the Affidavit of John Malpeli and Certification of Publication from the Rock Hill Herald in the above-referenced proceeding.

Please acknowledge your receipt of this document by file-stamping the copy of this letter enclosed, and returning via the United States Postal Service in the envelope provided.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

**ELLIS, LAWHORNE & SIMS, P.A.**

A handwritten signature in cursive script that reads 'Carol Roof'.

Carol Roof  
Paralegal to John F. Beach and John J. Pringle, Jr.

CAR/I

cc: Mr. John Malpeli  
enclosures (original)

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**

**DOCKETING DEPARTMENT**

**NOTICE OF FILING AND HEARING**

**DOCKET NO. 2004-353 –WS**

**LAKE WYLIE COMMUNITY UTILITIES, INC. – APPLICATION FOR  
ADJUSTMENTS OF RATES AND CHARGES FOR WATER AND SEWER  
SERVICES.**

In accordance with S.C. Code Annotated Section 58-5-210 *et seq.* and S.C. Code Annotated Regs. 103-512.4, 103-712.4, and 103-834, Lake Wylie Community Utilities, Inc. (Lake Wylie or the Company) filed an Application with the Commission requesting adjustment of its rates and charges for water and wastewater services. Lake Wylie is authorized to serve the Lake Wylie Mobile Home Park (MHP) which is located in York County, South Carolina. The Company provides water and sewer service to approximately 270 customers in the Lake Wylie MHP, all of which are residential.

According to the Application, Lake Wylie has not received an adjustment in over twenty-two years. However, the Company asserts that the costs of operating the water and sewer systems in the Lake Wylie MHP have increased dramatically. To remain viable, the Company argues that it must obtain a rate structure that allows Lake Wylie to recover its costs and to earn a reasonable return.

A copy of the Application is available on the Commission website @ [www.psc.state.sc.us](http://www.psc.state.sc.us). If Lake Wylie's Application is approved, the following rates would apply for water services:

<u>Water</u>	<u>Present Charge</u>	<u>Proposed Charge</u>
Residential Monthly Charge	\$10.00	\$35.00

Tap Fee	\$250.00	\$250.00
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Re-Connection Fee	\$10.00	\$150.00
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(This charge is to reimburse the Company for all costs, including labor and materials, associated with re-establishing service after disconnect for non-payment, failure to make a deposit, or fraudulent or illegal use.)

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**NSF Check Charge** – The Company may charge up to the maximum amount allowed by applicable South Carolina statute and/or South Carolina Public Service Commission regulation.

**Toxic and Pretreatment Effluent Guidelines** – The Company will not accept or treat any substance or material that has been defined by the United States Environmental Protection Agency or the South Carolina Department of Health and Environmental Control as a toxic pollutant, hazardous waste, or hazardous substance, including pollutants falling within the provisions of 40 CFR §129.4 and §401.15. Any person or entity introducing any such prohibited or untreated materials into the Company's sewer system may have service interrupted without notice until such discharges cease, and shall be liable to the Company for all damages and costs, including reasonable attorney's fees, incurred by the Company as a result thereof.

In order for testimony and evidence to be received from all interested parties, a public hearing will be held in the Commission's Hearing Room, Synergy Business Park, 101 Executive Center Dr., Columbia, S.C. on **Wednesday, April 27, 2005 at 10:30 a.m.**

Any person who wishes to testify and present evidence at the hearing should notify, in writing, the undersigned and Mr. John J. Pringle, Esquire, Ellis Lawhorne & Sims, P.A., Post Office Box 2285, Columbia, South Carolina 29202 on or before **March 3, 2005**, and indicate the amount of time required for the presentation.

Any person who wishes to express their views but is unable or does not desire to appear and testify at the hearing should submit those views to the undersigned in writing, on or before **March 3, 2005**.

Any person who wishes to participate in the hearing, as a Party of Record with the right of cross-examination should file a Petition to Intervene in accordance with the Commission's Rules of Practice and Procedure, on or before **March 3, 2005**.

Persons seeking information about the Commission's Procedures should contact the Commission in Columbia at 803-896-5100.

Public Service Commission of South Carolina  
Attn: Docketing Department  
Post Office Drawer 11649  
Columbia, SC 29211

02-01-05

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**Administration Fee**

**\$45.00**

(This charge is to cover the administrative cost of re-establishing service upon a change of customer where service has previously been established.)

**Deposit** – The Company may require a customer deposit up to the maximum amount allowed by applicable South Carolina statute and/or South Carolina Public Service Commission regulation.

**Late Penalty Charge** – The Company may charge a late-payment penalty up to the maximum amount allowed by applicable South Carolina statute and/or South Carolina Public Service Commission regulation.

**NSF Check Charge** – The Company may charge up to the maximum amount allowed by applicable South Carolina statute and/or South Carolina Public Service Commission regulation.

<u>Sewer</u>	<u>Present Charge</u>	<u>Proposed Charge</u>
Residential Monthly Charge	\$10.00	\$35.00
Tap Fee	\$250.00	\$250.00

**Re-Connection Fee**

**\$150.00**

(This charge is to reimburse the Company for all costs, including labor and materials, associated with re-establishing service after disconnect for non-payment, failure to make a deposit, or fraudulent or illegal use.)

**Administration Fee**

**\$45.00**

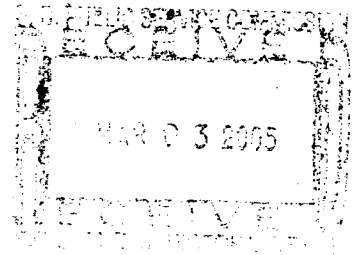
(This charge is to cover the administrative cost of re-establishing service upon a change of customer where service has previously been established.)

**Deposit**– The Company may require a customer deposit up to the maximum amount allowed by applicable South Carolina statute and/or South Carolina Public Service Commission regulation.

**Late Penalty Charge**– The Company may charge a late-payment penalty up to the maximum amount allowed by applicable South Carolina statute and/or South Carolina Public Service Commission regulation.

BEFORE THE  
SOUTH CAROLINA  
PUBLIC SERVICE COMMISSION

DOCKET NO. 2004-353-W/S



In Re:

Application of Lake Wylie  
Community Utilities, Inc.  
for Adjustment of Rates  
and Charges for Water and  
Sewer Services

**AFFIDAVIT OF JOHN MALPELI**

The Affiant, after having first being duly sworn, deposes and states as follows:

- 1) My name is John C. Malpeli and I am the Owner of Lake Wylie Community Utilities, Inc.;
- 2) On February 9, 2005, I caused to be served on the current customers of Lake Wylie Mobile Home Park ("MHP"), located in York County, South Carolina by First Class mail service a Notice containing the language set forth in the Notice of Filing which is attached hereto as **Exhibit 1**.
- 3) Upon information and belief, the mailing of this notice fully complies with the South Carolina Public Service Commission's instructions on Notice dated February 1, 2005.

AND FURTHER THE AFFIANT SAYETH NOT.

John C. Malpeli  
John C. Malpeli

Sworn and subscribed before me  
this 16<sup>th</sup> day of February, 2005

Cynthia L. Baker  
Notary Public for South Carolina  
My Commission Expires: November 23, 2010

Attorney Ellis, Lawhorne & Sims, P.A.

# The Herald

ROCK HILL, S.C.

Cost of Advertisement \$  
Cost of Affidavit \$  
TOTAL \$0

STATE OF SOUTH CAROLINA

County of York

I, Tonya Pendergrass

of The Herald, a newspaper published in York  
County, South Carolina, being duly sworn, certify

that the attached advertisement of:

## NOTICE

was duly published in the afore said newspaper once  
a week for 1 consecutive week(s)

beginning with the  
issue dated February 6, 2005

(Signed) \_\_\_\_\_ of The Herald

6th

Sworn to and subscribed before me this

day of February 20 05

*Amelia D. Carver*

My Commission Expires \_\_\_\_\_ Notary Public for South Carolina

My commission expires

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Administration Fee \$45.00  
(This charge is to cover the administrative cost of re-establishing service upon a change of customer where service has previously been established.)

Deposit - The Company may require a customer deposit up to the maximum amount allowed by applicable South Carolina statute and/or South Carolina Public Service Commission regulation.

Late Penalty Charge - The Company may charge a late payment penalty up to the maximum amount allowed by applicable South Carolina statute and/or South Carolina Public Service Commission regulation.

NSF Check Charge - The Company may charge up to the maximum amount allowed by applicable South Carolina statute and/or South Carolina Public Service Commission regulation.

Sewer Residential Monthly Charge \$10.00

Present Charge \$250.00

Proposed Charge \$35.00

Tan Fee \$250.00

Re-Connection Fee \$150.00

(This charge is to reimburse the Company for all costs, including labor and materials, associated with re-establishing service after disconnection for non-payment, failure to make a deposit, or fraudulent or illegal use.)

Administration Fee \$45.00  
(This charge is to cover the administrative cost of re-establishing service upon a change of customer where service has previously been established.)

Deposit - The Company may require a customer deposit up to the maximum amount allowed by applicable South Carolina statute and/or South Carolina Public Service Commission regulation.

Late Penalty Charge - The Company may charge a late payment penalty up to the maximum amount allowed by applicable South Carolina statute and/or South Carolina Public Service Commission regulation.

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NSF Check Charge - The Company may charge up to the maximum amount allowed by applicable South Carolina statute and/or South Carolina Public Service Commission regulation.

Toxic and Pretreatment Effluent Guidelines - The Company will not accept or treat any substance or material that has been defined by the United States Environmental Protection Agency or the South Carolina Department of Health and Environmental Control as a toxic pollutant, hazardous waste, or hazardous substance, including polychlorinated biphenyls (PCBs), polycyclic aromatic hydrocarbons (PAHs), any person or entity introducing any such prohibited or untreated materials into the Company's sewer system may have service interrupted without notice until such discharges cease, and shall be liable to the Company for all damages and costs, including reasonable attorney's fees, incurred by the Company as a result thereof.

In order for testimony and evidence to be received from all interested parties, a public hearing will be held in the Commission's Hearing Room, 2nd Floor, 1000 Main Street, 10th Floor, 10th Floor, Columbia, S.C. on Wednesday, April 27, 2005 at 10:30 a.m.

Any person who wishes to testify and present evidence at the hearing should notify, in writing, the undersigned and Mr. John J. Pringle, Esquire, Ellis Lawhorne & Sims, P.A., Post Office Box 2785, Columbia, South Carolina 29202 on or before March 3, 2005, and indicate the amount of time required for the presentation.

Any person who wishes to express their views but is unable or does not desire to appear and testify at the hearing should submit those views to the undersigned in writing, on or before March 3, 2005.

Any person who wishes to participate in the hearing, as a Party of Record with the right of cross-examination should file a Petition to Intervene in accordance with the Commission's Rules of Practice and Procedure, on or before March 3, 2005.

Persons seeking information about the Commission's Procedures should contact the Commission in Columbia at 803-896-5100.

Public Service Commission of South Carolina

Attn: Docketing Department

Post Office Drawer 11649

Columbia, SC 29211

02-01-05

P. J. Mc

Attorney

No. 08544347

\$389.32

Filed with Ellis, Lawhorne & Sims, P.A.

On (date) February 6

50-05 LAWHORNE

## CERTIFICATION

OF PUBLICATION OF LEGAL NOTICE IN

# The Herald

1 consecutive

Rock Hill, York Co., S.C. for

February 6, 2005

week(s), beginning

vs.

Paid

Date

20

## EXTRA CHARGE FOR LOST OR

## DUPLICATE AFFADAVITS

THIS IS AN IMPORTANT  
LEGAL DOCUMENT.  
PLEASE DO NOT DESTROY!